



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-033

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. The department may wish to amend the proposed rule to read: “Except as provided under par. (b), a landlord may require a prospective tenant to pay the landlord’s actual cost, ~~up to~~ \$20 the amount specified in s. 704.085 (1), Stats., to obtain a consumer credit report...” in order to avoid the need to modify the rule to comply with any future statutory change.

b. The department may wish to further revise and update s. ATCP 134.05 to be fully consistent with s. 704.085 (1), Stats., and to include the provisions of s. 704.085 (2), Stats., relating to charging a prospective tenant to pay a landlord’s actual cost to obtain a background check on the tenant.

2017 Wisconsin Act 317 created s. 704.085, Stats., titled, “Credit and Background Checks”. If the department wishes to amend its rule on credit checks to be consistent with the statute, it may wish to include in its proposed rule all provisions of the statute.

Alternatively, the department may wish to repeal s. ATCP 134.05 (4) as duplicative of s. 704.085 (1), Stats.